

# Attachment 1



DEPARTMENT OF THE ARMY  
HEADQUARTERS, UNITED STATES ARMY AVIATION CENTER AND FORT RUCKER  
453 NOVOSEL STREET  
FORT RUCKER, ALABAMA 36362-5105

REPLY TO  
ATTENTION OF

**CERTIFIED RETURN RECEIPT REQUESTED**

NOV 8 2004

Office of the  
Staff Judge Advocate

RE: Federal Tort Claim – Jones, Vicky (05-241-T001)

Goozee, King & Horsley  
Attn: Richard F. Horsley  
Shades Brook Bldg, Suite 200  
3300 Cahaba Road  
Birmingham, Alabama 35223

Dear Mr. Horsley:

On September 1, 2004 this office received from you a copy of an undated Standard Form 95 (Claim for Damage, Injury, or Death) for damages in the amount of \$50,000.00 for personal injuries allegedly sustained by Vicky Jones as the result of an April 13, 2002 automobile accident involving a government vehicle.

The claim is denied. Under the Federal Tort Claims Act (28 USC 2671, et seq.), a claim must be filed within two years of the date of the incident giving rise to the claim. You have advised that the original claim was mailed to the Fort Benning Claims Office January 2004. Fort Benning Claims Office has no record of receiving the original claim. Records reveal that a copy was received with your August 19, 2004 letter. Because your client's claim was filed more than two years from the date of the accident, it is barred by the two-year statute of limitations.

An appeal from this action may be made to the Commander, U.S. Army Claims Service within six months of receipt of this letter. The regulation requires that the appeal be in writing, addressed to the Commander, U.S. Army Claims Service, Fort George G. Meade, MD 20755-5360, and mailed to the Fort Rucker Claims Office at: Office of the Staff Judge Advocate, Tort Claims Division, Rm. 321, Soldier Service Center, Fort Rucker, Alabama 36362-5105. There is no form prescribed for such an appeal. However, the factual and legal grounds relied on should be fully set forth and should address the issues raised above and resolved against you. Any additional evidence should be furnished in support of the claim.

I am required by regulation to inform you that if you are dissatisfied with the action taken on your claim, you may file suit in an appropriate U.S. District Court not later than six months from the date of the mailing of this letter, or your remedy will be forever barred. This is not intended to imply that any such suit, if filed, would be successful.

COPY

<b>DEFENDANT'S EXHIBIT</b>	
CASE NO. 05-241-T001	
EXHIBIT NO. 1	

Subject: Federal Tort Claim -- (05-241-T001)

Should you have any questions, please feel free to contact Staff Sergeant Bell, NCOIC, Claims Division at (334) 255-2517.

Sincerely,



Randy T. Kirkvold  
Lieutenant Colonel, U.S. Army  
Staff Judge Advocate

COPY

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature ☐ Agent  
☒ Addressee  
 B. Received by (Printed Name) C. Date of Delivery  
 D. Is delivery address different from item 1? ☐ Yes  
 If YES, enter delivery address below: ☐ No

3. Service Type  
☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.  
 4. Restricted Delivery? (Extra Fee) ☐ Yes

102595-01-M-2509

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Goozee, King, & Horsley  
 ATTN: Richard F. Horsely  
 Shades Brook Bldg, Suite 200  
 3300 Cahaba Road  
 Birmingham, AL 35223

2. Article Number  
(Transfer from service label)

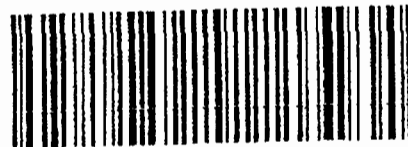
707993400001501472808

PS Form 3811, August 2001

Domestic Return Receipt

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance Coverages Provided)

70799 3400 0015 0147 2808  
 70799 3400 0015 0147 2808



**CERTIFIED MAIL**  
 REGISTERED MAIL  
 RETURN RECEIPT FOR MERCHANDISE  
 Restricted Delivery  
 Insured Mail

Postage \$  
 Certified Fee  
 Return Receipt Fee  
 (Endorsement Required)  
 Restricted Delivery Fee  
 (Endorsement Required)

Total P Goozee, King, &amp; Horsley

Recipient ATTN: Richard F. Horsely

Shades Brook Bldg, Suite 200

3300 Cahaba Road

City, St Birmingham, AL 35223

PS Form 3801, February 2000

**SENDER: COMPLETE THIS SECTION**

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

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70993400001501472808

**COMPLETE THIS SECTION ON DELIVERY****A. Signature**

X

*Amy Upker*☐ Agent☐ Addressee**B. Received by (Printed Name)****C. Date of Delivery****D. Is delivery address different from item 1? ☐ Yes**If YES, enter delivery address below: ☐ No**3. Service Type**☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.**4. Restricted Delivery? (Extra Fee)**☐ Yes